IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5198 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL MOHAMMED SAEED AHMED & 3 - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :
MR MM TIRMIZI for Petitioner(s) : 1 - 4.
MS. MAITHELI MEHTA, AGP for Respondent(s) : 1 - 2.
RULE SERVED for Respondent(s) : 3 - 5.
MR PRASHANT G DESAI for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/03/2007

ORAL JUDGMENT

1. The present Special Civil Application has been filed by the petitioners for getting an appropriate

order for quashing and setting aside the impugned advertisement dated 5th June 1997 at Annexure “A” by which the advertisement was issued inviting the applications for appointment to the post of Primary Teachers on payment of honorarium of Rs.1,500/- p.m. It was the contention on behalf of the petitioners that though their names were in the select list, the respondent could not have invited the applications and filled up the posts on honorarium basis. The same was to defeat the claims of the petitioners. It is required to be noted that thereafter, the appointment to the post of Primary Teachers was to be made as “Balgurus” and the said scheme was subsequently substituted and in place of Primary Teachers, initial appointment is to be made as “Vidhya Sahayaks”.

2. Ms.Maitheli Mehta, learned AGP, has submitted that the petitioners are already appointed as Vidhya Sahayak on 1st October 2002 and as per the scheme, they will be given all benefits after completion of necessary service years as a Vidhya Sahayak.

3. In view of the fact that the petitioner are now already appointed as Vidhya Sahayak, the present Special Civil Application becomes infructuous as the petitioners will be getting all the benefits as per the scheme under Vidhya Sahayak.

4. With this direction, present Special Civil Application is disposed of. Rule is discharged with no order as to costs.

[M.R. SHAH, J.]

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